

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION

CASE NO. 11-CV-5191(GRD)

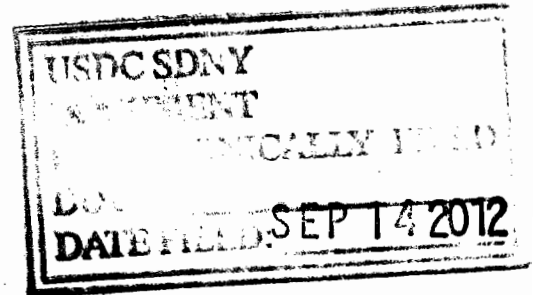
UNITED STATES COMMODITY
FUTURES TRADING COMMISSION,

Plaintiff,

vs.

ANTHONY J. KLATCH II; AMERICAN
PRIVATE EQUITY, LLC; ARM CAPITAL
MANAGEMENT, LLC; TASK CAPITAL
MANAGEMENT, LLC; VIGILANT
CAPITAL MANAGEMENT, LLC,

Defendants.



STIPULATION

It is hereby agreed as follows, by and between the Receiver, Mark V. Silverio, and the undersigned counsel for Mr. Anthony J. Klatch, II, in the action referred below and the undersigned counsel for Classic Recreations, LLC:

1. Before the instant action was commenced, T. Matthew Smith, Esquire, was hired by Mr. Anthony Klatch to institute suit in Oklahoma County District Court against Classic Recreations, LLC for the return of a \$45,000 deposit Mr. Klatch paid toward the purchase of an automobile from Classic Recreations, LLC. Counsel, Susanna M. Gattoni, Esquire, and her firm represented the defendant in that action.

2. Receiver, Mark V. Silverio, has an interest in that deposit as Mr. Klatch paid it from stolen funds from the receivership entities.

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3. The parties in the above-referenced action in Oklahoma and the Receiver have resolved the dispute over the deposit on the following terms:

(a) Counsel for Classic Recreations, LLC represents that her client received a deposit of \$45,000 from Mr. Klatch.

(b) The Receiver will receive from Classic Recreations, LLC the amount of \$37,000 from the deposit. This amount shall be paid to Mark V. Silverio, as Receiver, by cashier's check or bank check no later than November 20, 2012.

(c) T. Matthew Smith, counsel for Mr. Klatch in that action, will receive from Classic Recreations, LLC the amount of \$4,000 from that deposit for his legal fees. This amount shall be paid to Mr. Smith or his law firm no later than November 20, 2012.

(d) Classic Recreations, LLC shall retain the balance of the deposit.

(e) All parties believe this settlement is in their best interest to minimize fees and costs.

(f) Classic Recreations, LLC agrees to submit to the jurisdiction of this Court for the sole purposes of this stipulation.

(g) If Classic Recreations, LLC performs and pays the aforesaid amounts in full and on time, the Receiver will release and dismiss all claims the Receiver or Mr. Klatch has or ever had against Classic Recreations, LLC, with each party paying their own fees and costs.

(h) If Classic Recreations, LLC defaults in these payments, the Receiver shall be entitled to a judgment against it in the amount of \$45,000, plus interest from the date of this

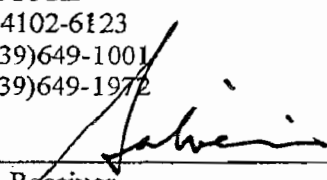
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stipulation at the rate to be set by the Court, and to recover his legal fees and court costs against Classic Recreations, LLC in this matter.

(i) The parties request the Court to retain jurisdiction to enforce the terms of this stipulation.

DATED this 7 day of ~~August~~^{Sept}, 2012.

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255 Eighth Street South
Naples, Florida 34102-6123
Telephone: (239)649-1001
Facsimile: (239)649-1972

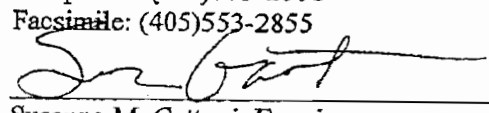


Mark V. Silverio, Receiver
Florida Bar No. 150430
Date: 9-7-12

MULINIX, OGDEN, HALL, ANDREWS
& LUDLAM
3030 Oklahoma Tower
210 Park Avenue
Oklahoma City, Oklahoma 73102

T. Matthew Smith, Esquire
Date: _____

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.A.
Chase Tower
100 North Broadway, Suite 2900
Oklahoma City, Oklahoma 73102
Telephone: (405)553-2868
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Susanna M. Gattoni, Esquire
Date: 9-6-12

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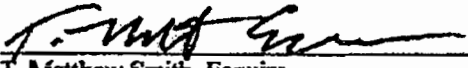
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Mark V. Silverio, Receiver
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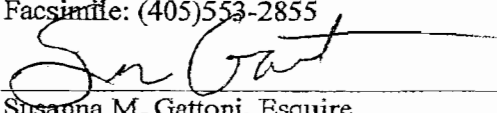
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Mark V. Silverio, Receiver
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Susanna M. Gattoni, Esquire
Date: 9-6-12

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that, on this 10 day of September, 2012, we hereby file the foregoing document with the Clerk of the Court via U.S. Mail. We also certify that the foregoing document is being served this day on all counsel of record identified on the below Service List via U.S. Mail.



Mark V. Silverio, as Receiver

ATTORNEY SERVICE LIST

Alex Lankford, Esq.
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Kenneth W. McCracken, Esq.

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Oklahoma City, OK 73102-8865

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ORDER

This stipulation is approved and so ordered by the Court.

SEP 14 2012



U.S. DISTRICT COURT JUDGE
Date: _____